IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 104 of 2007(K)

PETITIONER:

RAVI.K.P. S/O.PRABHAKARAN, AGED 57 YEARS, RETIRED WELDER, K.S.R.T.C. REGIONAL WORK SHOP ALUVA, RESIDING AT KATTUVETTY, CHIRAKKAKAM, VARAPPUZHA P.O. 683 517.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

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1. THE MANAGING DIRECTOR, K.S.R.T.C. TRANSPORT BHAVAN, FORT P.O. THIRUVANANTHAPURAM 23.

2. THE WORKS MANAGER, K.S.R.T.C. REGIONAL WORKSHOP, ALUVA.

BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 104 OF 2007

Dated this the 10th day of January, 2007

JUDGMENT

Sri.Johnson P. John takes notice on behalf of respondents. The petitioner who retired from service of K.S.R.T.C on superannuation on 31.5.2004 has filed this Writ Petition for out of turn release of his retiral benefits on two grounds. The first ground is that for want of funds he is not able to arrange the marriage of his daughter. The other ground is that the State Bank of Tranvancore, from whom the petitioner had availed a housing loan are now initiating coercive steps for recovery of the loan amount. No material has been placed by the petitioner to show that the marriage of his daughter is fixed or is unable to fix the same for want of fund. However, Exts.P2 and P3 will show that State Bank of Travancore is proceeding against the petitioner for recovery of the amount due under the housing loan which presently comes to Rs.1,31,180 + interest Rs.1205/-. Though guidelines have been formulated by the K.S.R.T.C on the basis of the judgment of this Court in WA No.289/2001 and ordinarily turns fixed as per those guidelines are to be followed, there is a subsequent judgment of this Court in WP (C) No.1775 of 2004 that in spite of the priorities fixed as per the existing guidelines, out of turn release can be made to meet extremely urgent

family necessities. Having regard to Exts.P2 and P3, I feel that unless substantial payments are made to the State Bank of Travancore, the petitioner stands at the risk of loosing the house which has been constructed by the petitioner with funds advanced by the State Bank.

Under these circumstances, this Writ Petition will stand disposed of directing the respondents to release to the petitioner a sum of Rs.1,00,000/-(Rupees one lakh only) from out of the retiral benefits due to him within six weeks of receiving a copy of this judgment. Payment shall be made by means of an instrument drawn account payee in favour of State Bank of Travancore, Varappuzha branch.

PIUS C. KURIAKOSE, JUDGE

btt